

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICKEY L. MCGEE,
TDCJ No. 2173658

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 3:23-CV-2661-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The District Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court **TRANSFERS** Petitioner's unauthorized successive 28 U.S.C. § 2254 habeas application to the United States Court of Appeals for the Fifth Circuit for appropriate action.

And because the Court is transferring the application to the Fifth Circuit, a certificate of appealability ("COA") is not necessary. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015) ("[A] transfer order under [28 U.S.C.] § 1631 is not a final order within the meaning of § 2253(c)(1)(B), and the appeal of such an order does not require a COA."); *Guel-Rivas v. Stephens*, 599 F. App'x 175, 175 (5th Cir. 2015) (applying *Fulton*'s holding to transfer of a successive Section 2254 application).

SO ORDERED.

SIGNED January 8, 2024.


UNITED STATES DISTRICT JUDGE